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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-------------------------------|-------------|----------------------|---------------------|------------------|
| 10/748,244 | 12/31/2003 | Min-Seok Choi | P24738 | 6998 |
| 7055 | 7590 | 11/15/2005 | EXAMINER | |
| GREENBLUM & BERNSTEIN, P.L.C. | | | STORMER, RUSSELL D | |
| 1950 ROLAND CLARKE PLACE | | | ART UNIT | |
| RESTON, VA 20191 | | | PAPER NUMBER | |
| | | | 3617 | |

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|---------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 10/748,244 | Applicant(s) CHOI, MIN-SEOK | |
| | Examiner Russell D. Stormer | Art Unit 3617 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Glaser et al.

The trailing arms are provided with a mount for mounting a shock absorber as shown in figure 1. With respect to claim 4, the trailing arms include a portion configured as a mount that receives a shock absorber.

3. Claims 5 and 8 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Yamaguchi.

As shown best in figure 3, the mount 5 which receives the shock absorber is formed or provided "in" the trailing arm 1.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glaser et al in view of Solomond et al.

The mount for the shock absorbers 6 on the trailing arms 2, 3 of the axle of Glaser et al are not shown to be ball joints.

Solomond et al teaches a mount for a shock absorber for a suspension assembly comprising a ball joint. The ball joint is mounted to the vehicle rather than the axle, but this assembly still teaches the desirability to have a shock absorber mounted for universal movement in a suspension system. From this teaching it would have been obvious to provide the trailing arm shock absorber mount of the axle assembly of Glaser et al with a ball and socket joint to allow universal movement of the shock absorber to compensate for the movement of the axle and trailing arms in three axes.

6. Claims 6, 7, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi in view of MacIsaac.

Yamaguchi meets all of the limitations of claims 5 and 8 as set forth in paragraph 3 above, but does not show the shock absorber.

MacIsaac teaches a suspension assembly including a shock absorber. In figures 10 and 11 the connection between the axle and the shock absorber is in the form of a ball joint, including a ball stud and a socket. From this teaching it would have been obvious to provide the trailing arm suspension of Yamaguchi with a shock absorber having a ball and socket joint as this would allow a wide range of movement between the shock absorber and the axle.

Response to Arguments

7. Applicant's arguments filed August 29, 2005 have been fully considered but they are not persuasive.

Applicant argues that Glaser et al appears to show a bracket on the trailing arm for mounting the shock absorber and that the shock absorbers are not mounted to any mount formed on or in the trailing arms.

While the specific structure for connecting the shock absorbers 6 to the arms of Glaser et al is not clearly shown, it is clear that the shock absorbers are connected to the arms. Instant claim 1 merely calls for the arms to be "provided with a mount" for mounting the shock absorbers, and new claim 4 merely limits the arms as including "a portion configured as a mount that receives the shock absorber." The structure shown in Glaser et al clearly meets these limitations. The terms "provided" and "includes" do not limit the mount to being formed on the arms, contrary to Applicant's assertions.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references show other suspension systems including trailing arms which include mounts for receiving shock absorbers. See especially Dangauthier and Dantele.

9. Applicant's amendment necessitated the new grounds of rejection presented in this Office action with respect to claims 5-10.

Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russell D. Stormer whose telephone number is (571) 272-6687. The examiner can normally be reached on Monday through Friday, 9 AM to 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joe Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

11/12/05


RUSSELL D. STORMER
PRIMARY EXAMINER 11/12/05